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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,561	07/18/2003	Gilbert W. McKenna	56229-157 (ANAK-223)	4825

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McDermott, Will & Emery
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Boston, MA 02109

EXAMINER


LUU, TUYET PHUONG PHAM

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,561	MCKENNA, GILBERT W.	
	Examiner	Art Unit	
	Teri P. Luu	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8, 9 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 2 is objected to because the recitation “one of the runners” lacks positive antecedent basis. Claim 1 only recites “a runner”.

Claim 9 is because the recitation “the non-rotating portion of the turntable” lacks positive antecedent basis. It appears claim 9 should depend from claim 8 and not claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2001/0022833 to Kobayashi.

Kobayashi discloses a patient table comprising a table assembly (11) and a bucky presentation assembly. The bucky presentation assembly comprising at least one rail (21), a runner (22) slidably received on the rail, a bucky (14), and a hinge (26) pivotally connecting the bucky to the runner.

As concerns claim 2, the at least one rail of the bucky presentation comprises two spaced-apart, parallel rails and one of the runners slidably received on each rail.

As concerns claim 4, the bucky contains a removable detector (paragraph [0035], line 10).

As concerns claim 7, the bucky presentation assembly includes a hinge locking mechanism (27) for locking the hinge in a pivoted position.

As concerns claim 10, the bucky presentation assembly extends in a lateral direction on the table assembly.

As concerns claim 12, the patient table includes a pallet including a lower portion (e.g., the lower ends of the legs 13) secured to the table assembly and an upper portion (12) wherein the bucky presentation assembly is positioned between the lower portion and the upper portion of the pallet.

As concerns claim 13, the pallet is elongated and extends in a longitudinal direction and the rail of the bucky presentation assembly extends laterally with respect to the pallet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of U.S. Patent No. 4,205,233 to Craig et al.

As concerns claim 3, Kobayashi discloses the claimed invention except for the bucky including at least one handle. Craig et al. discloses a patient table comprising a bucky tray (44) provided with at least one handle (68). It would have been obvious to one having ordinary skill

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in the art at the time the invention was made to provide the bucky with at least one handle so as to provide a means of grasping the bucky for longitudinal movement.

As concerns claim 11, Kobayashi discloses that the at least one rail of the bucky presentation is fixedly attached to the table assembly, see Fig. 7. Thus, Kobayashi fails to teach the bucky presentation assembly moveable in the longitudinal direction of the table assembly. Craig et al. discloses a longitudinally movable bucky presentation assembly, see Fig. 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bucky presentation of Kobayashi as being longitudinal movable so that the bucky presentation can be placed anywhere longitudinally with respect to the table surface.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of U.S. Patent No. 5,475,885 to Ishikawa.

Kobayashi discloses the claimed invention except for the upper portion of the pallet being movable in a lateral direction with respect to the lower portion of the pallet. Ishikawa discloses a patient table for X-ray diagnosis comprising a pallet with is movable both longitudinally and laterally. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pallet of Kobayashi with lateral movement so that the imaging can be isolated to the sides of the pallet.

Allowable Subject Matter

Claims 5, 6, 8, 9 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 18-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: As concerns claim 18, the prior art of record fails to teach or render obvious a bucky presentation assembly comprising a turntable including a non-rotating portion secured to the table assembly and a rotating portion rotatably mounted to the non-rotating portion.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Teri Pham Luu** whose telephone number is **(703) 305-7421**. The examiner can be best reached Monday-Friday from 6:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Heather Shackelford**, can be reached at **(703) 308-2978**.

Submission of your response by facsimile transmission is encouraged. Technology Center 3600's facsimile number for all official papers is **(703) 872-9306**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitted by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. _____) on (Date) _____

(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to **heather.shackelford@uspto.gov**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed expressed waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Teri Lu", with a stylized flourish at the end.

Teri Pham Luu
Primary Examiner

tpl
August 5, 2004